

## Background for 2004 AmeriCorps Rulemaking

The following are key topics to be addressed in AmeriCorps rulemaking and excerpts from legislation, Congressional reports, and other official guidance related to those topics.

- [General Information](#)
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Congressional statements in this table include the 2004 VA-HUD appropriation statute and accompanying committee report language, as well as H.R. 4854, Citizen Service Act of 2002. H.R. 4854 was introduced in the House of Representatives on a bipartisan basis in the 107th Congress and passed by the full House Committee on Education and the Workforce by voice vote; however, it did not reach the floor of the House during the 107th Congress. Statutory and accompanying conference committee reports are authoritative. Bills or reports approved only by a committee of the Senate or House of Representatives, but not passed by Congress, are included in this table as helpful indicators of how other Congressional committees have approached these issues. If you are aware of other recent, relevant statements of the full Congress or Congressional committee report language, please submit information by email to [rulemaking@cns.gov](mailto:rulemaking@cns.gov).

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## General Information

### Presidential, Board, and Congressional Statements

#### Executive Order 13331 (February 27, 2004)

Directs the Corporation's Chief Executive Officer to review and evaluate all policies, including regulations, governing national and community service programs, to ensure their consistency with fundamental principles and policymaking criteria set forth in the Order.

#### Board of Directors (Grants Management Task Force Report, May 2003)

Recommends that the Corporation "consolidate all of the Corporation's regulations into Title 45, Chapter 25 of the CFR and revise them to reflect plain English guidance from OMB," and "eliminate or greatly streamline annual guidance" by converting appropriate application guidance and provisions into regulations.

#### 04 Consolidated Appropriations Act

"For fiscal year 2004, the Corporation shall make any significant changes to program requirements or policy only through public notice and comment rulemaking."

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## ***Sustainability***

### **Current Rules**

#### National and Community Service Act of 1990 and Regulations

Applications for AmeriCorps funding must be evaluated based on, among other things, "[t]he sustainability of the national service program, based on evidence such as the existence –

- (A) of strong and broad-based community support for the program; and
- (B) of multiple funding sources or private funding for the program."

42 U.S.C. § 12585(c)(3); 45 C.F.R. 2522.410(b)(1)(iv).

Corporation may require applications to describe sources of other funding for the proposed program. 42 U.S.C. 12582(b)(3).

Corporation may require applications for funding after initial grant to describe the program's success in reducing reliance on Federal funds. 42 U.S.C. 12582(b)(3).

#### 2004 AmeriCorps Application Guidelines

"... applications should include specific information that demonstrates how an organization intends to improve capacity and move towards sustainability, ensuring that its national and community service program can continue in the absence of Corporation funding."

### **Presidential, Board, and Congressional Statements**

#### Board of Directors Resolution (September 23, 2003)

"The Corporation shall undertake rulemaking to establish regulations on significant issues, such as sustainability and the limitation on the Federal share of program costs, consistent with any applicable directives from Congress."

#### Board of Directors (Grants Management Task Force Report, May 2003)

Recommends further study on issue of helping grantees to build sustainability.

#### 04 Consolidated Appropriations Conference Report

"The conferees direct the Corporation to undertake public notice and comment rulemaking to develop a definition of sustainability."

"The Corporation is directed to collect information on the grantees which receive more than \$500,000 annually from the Corporation and the amount of other Federal and non-Federal funds the recipients have leveraged and make the information available if requested."

#### Senate VA-HUD 04 Mark-up Report (108-143)

"...the Committee strongly believes that more aggressive measures must be taken by the Corporation to comply with the letter and spirit of the sustainability requirement. Accordingly, the Committee directs the Corporation to require sustainability as a criterion in its competitive grant programs and require organizations to provide information in its applications on all of its funding sources, including all Federal, other public, and private sources."

#### H.R. 4854

Corporation may establish policies and procedures to set limits on the number of years recipients may receive assistance to carry out a project; increase match requirements; and implement measures to determine whether projects are generating sufficient community support.

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## ***Capacity-Building Activities***

Including recruiting and managing volunteers and fundraising, by AmeriCorps members.

### **Current Rules**

#### National and Community Service Act of 1990

Service must "provide a direct benefit to the community in which the service is performed." 42 U.S.C. 12583(a)(1).

#### Regulations

2002 amendment allows members to perform service that itself does not provide a direct benefit "if the performance of such activity is incidental to the program's provision of service . . . or if the Corporation approves such activities in connection with disaster relief, homeland defense, or other compelling community needs." 45 C.F.R. § 2520.20(b)

#### 2004 AmeriCorps Application Guidelines

"Successful applicants will be those that address how their AmeriCorps program will effectively engage and support volunteers in meeting community needs."

"As a means of achieving sustainability and assisting organizations in meeting community needs, AmeriCorps members may assist grantee organizations in capacity building activities."

#### AmeriCorps grant provisions

Members may engage in fundraising, including grant writing, directly in support of service activities but not for sponsoring organization's general operating expenses or for Federal grant applications.

### **Presidential, Board, and Congressional Statements**

#### Executive Order 13331 (February 27, 2004)

"National and community service programs should leverage Federal resources to enable the recruitment and effective management of a larger number of volunteers than is currently possible."

"National and community service programs should avoid or eliminate practices that displace volunteers who are not supported under the national service laws."

#### Senate VA-HUD 04 Mark-up Report (108-143)

"Committee encourages the Corporation to support volunteers or organizations that mobilize unpaid volunteers for community activities."

#### HR 4854

Prohibits displacement of unpaid volunteers. Authorizes participants in national service positions to engage in activities "including recruiting and managing volunteers, that increase the capacity of the organizations that receive assistance under the national service laws to address unmet . . . needs."

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## ***Limitations on Federal Share of Costs***

### **Current Rules**

#### National and Community Service Act of 1990

Federal share of member support costs (living allowance, health care, taxes) may not exceed 85% -- match must be non-Federal cash. 42 U.S.C. § 12594(a)(2), (b), (d); 45 C.F.R. 2522.240(b)(5); 45 C.F.R. 2522.250(b)(3).

Federal share of operational expenses (other than member support) may not exceed 75% -- match may be cash (including Federal) or in-kind. 42 U.S.C. § 12571(e).

#### AmeriCorps grant provisions

Corporation share of operational expenses may not exceed 66% -- less than statutory maximum of 75%.

## **Presidential, Board, and Congressional Statements**

### Executive Order 13331 (February 27, 2004)

"National and community service programs should leverage Federal resources to maximize support from the private sector and from State and local governments, with an emphasis on reforms that enhance programmatic flexibility, reduce administrative burdens, and calibrate Federal assistance to the respective needs of recipient organizations."

### Board of Directors Resolution (September 23, 2003)

"The Corporation shall undertake rulemaking to establish regulations on significant issues, such as sustainability and the limitation on the Federal share of program costs, consistent with any applicable directives from Congress."

### 04 Consolidated Appropriations Act

". . . to the maximum extent practicable, the Corporation shall increase significantly the level of matching funds and in-kind contributions provided by the private sector, and shall reduce the total Federal costs per participant in all programs."

### 04 Consolidated Appropriations Conference Report

". . . future efforts to reduce Federal costs per participant should target administrative and overhead costs, not volunteers' stipends."

"The conferees . . . expect that larger, well-established partners of the Corporation should be able to better leverage their Federal funding so that a greater percentage of their operating expenses would come from other than Federal sources."

### Senate VA-HUD 04 Mark-up Report (108-143)

". . . Corporation to increase the matching requirements for those organizations that have received more than \$3,000,000 on average for the past 3 years. At a minimum, the Corporation should increase the match by 50 percent and consider an incremental increase in the match requirement on an annual basis."

### H.R. 4854

Focused on capping cost per member for each program.

Corporation may establish policies and procedures to: set limits on the number of years recipients may receive assistance to carry out a project; increase match requirements; and implement measures to determine whether projects are generating sufficient community support.

## ***Cost per Member***

### **Current Rules**

#### 2004 AmeriCorps Application Guidelines

State Commission competitive portfolios and National Directs must meet annual average, calculating budgeted member support (excluding education award and child care costs, which do not flow through the grantee) and operational costs. State competitive, formula, and National Directs are subject to annual maximum cost per member, calculated using the elements listed above.

### **Presidential, Board, and Congressional Statements**

#### 04 Consolidated Appropriations Act

"... to the maximum extent practicable, the Corporation shall . . . reduce the total Federal costs per participant in all programs."

#### Senate VA-HUD 04 Mark-up Report (108-143)

"... Corporation to reduce the [total Federal costs per participant] by at least 10 percent in fiscal year 2004."

#### H.R. 4854

Focused on capping cost per member for each program.

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## ***Professional Corps***

Programs in which Corporation provides relatively small operational grants while grantee provides 100% of living allowance/salary and amount is not subject to normal cap.

### **Current Rules**

#### National and Community Service Act of 1990

Authorizes Corporation to give preference in selection process to professional corps programs (along with several other types of programs, including those that were in existence at the time AmeriCorps was established in 1993). 42 U.S.C. 12585(d)(2).

### **Presidential, Board, and Congressional Statements**

#### Executive Order 13331 (February 27, 2004)

"Guidelines for the selection of national and community service programs should recognize the importance of professional corps programs in light of the fundamental principles and policymaking criteria set forth in this order."

#### 04 Consolidated Appropriations Conference Report

The conferees strongly urge the Corporation to develop separate application guidelines for professional corps that recognize the unique challenges inherent in building service corps of full-time professionals.

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## ***Performance Measures and Evaluation***

### **Current Rules**

#### National and Community Service Act of 1990

Applicants for AmeriCorps subtitle C funding must apply measurable performance goals and must arrange for an independent evaluation (or internal evaluation with Corporation approval). 42 U.S.C. § 12583(d)

#### Regulations

Grantees may, but are not required to, obtain an independent evaluation. 45 CFR § 2522.510

AmeriCorps grant provisions and 2004 AmeriCorps Application guidelines:  
Applicants/grantees must develop performance measures; negotiate measures as part of any grant award; develop system for collecting and organizing performance data on an ongoing basis; and include results in progress and final reports.

### **Presidential, Board, and Congressional Statements**

#### Executive Order 13331 (February 27, 2004)

"National and community service programs should adopt performance measures to identify those practices that merit replication and further investment, as well as to ensure accountability."

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## ***Qualifications for Tutors***

### **Current Rules**

#### 2004 AmeriCorps Application Guidelines

Tutoring programs must demonstrate that activities occur in sites that incorporate scientifically-based approaches to reading; programs must establish standards for tutors.

### **Presidential, Board, and Congressional Statements**

Executive Order 13331 (February 27, 2004)

“National and community service programs based in schools should employ tutors who meet required paraprofessional qualifications, and use such practices and methodologies as are required for supplemental educational services.”

For further information about qualification requirements for tutors and to whom they apply, [click here](#).

H.R. 4854

Required high-school diploma for members serving as tutors.

Required programs operating tutoring in reading programs to train members serving as tutors, incorporating the recommendations of the National Reading Panel and research from the National Institute of Child Health and Human Development.

Required that literacy programs be based on “scientifically based reading research and provide instruction based on the essential components of reading instruction” as defined in the No Child Left Behind Act.

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## ***Timing of the AmeriCorps Grants Cycle***

### **Current Rules**

AmeriCorps grants cycle begins with Application Guidelines issued in the fall, applications due in early Spring, decisions made and grants approved in the summer, and grants awarded late summer/fall.

### **Presidential, Board, and Congressional Statements**

Board of Directors (Grants Management Task Force Report, May 2003)

Corporation should consider shifting grants calendar back; creating more funding opportunities by holding some money back each year so that, eventually, the Corporation makes a roughly equal number of new awards each year; holding multiple competitions over the course of the year; and evaluating current steps in grant cycle to determine if process may be streamlined.

04 Consolidated Appropriations Conference Report



"The conferees encourage the Corporation to consider a change to the grant cycle so that grant awards can be made to recipient organizations before the organization recruits members to fill awarded slots."

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## ***Program Selection Criteria***

### **Current Rules**

#### National and Community Service Act of 1990

Specific selection criteria required:

- Program quality
  - Innovation
  - Replicability
  - Sustainability
  - Leadership
  - Past Performance
  - Building on existing programs
  - Involvement of community
  - Operation in empowerment zones, environmentally distressed areas,
  - Other criteria CNCS considers appropriate
- 42 U.S.C. § 12585(c)

Corporation has authority to achieve program model diversity in final decisions, based on geographical, urban and rural areas of poverty, and priorities identified by the Corporation.

42 U.S.C. § 12585(d)

#### Board-approved selection criteria (Federal Register, July 20, 1998)

Program Design 60%

Organizational Capacity 25%

Budget/Cost Effectiveness 15%

### **Presidential, Board, and Congressional Statements**

#### Board of Directors (Grants Management Task Force Report, May 2003)

Recommends that Corporation staff present options for revised selection criteria to the Board. Staff should consider appropriateness of current categories and sub-categories, and their relative weights; extent to which the current criteria address accountability, sustainability, support for community organizations, and promoting citizenship; and role of selection criteria in peer and staff decisions.

#### 04 Consolidated Appropriations Act

Corporation to “ensure that priority is given to programs that demonstrate quality, innovation, replicability, and sustainability.”

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## ***Continuation Application Requirements***

### **Current Rules**

2004 AmeriCorps Application Instructions

Grantees must submit fairly substantial documentation

### **Presidential, Board, and Congressional Statements**

Board of Directors (Grants Management Task Force Report, May 2003)

Recommends further study on the issue of developing clearer policy on continued funding.

04 Consolidated Appropriations Conference Report

Corporation to “ensure that all continuation grants, through which the Corporation has made multi-year commitments, are funded prior to funding new grants, provided the grantees are in compliance with all requirements.”

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## ***Reporting Requirements***

### **Current Rules**

- Semi-annual financial status reports
- Annual progress reports
- Member enrollment and exit forms

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## ***Grant Periods***

### **Current Rules**

National and Community Service Act of 1990

Authority to make most grants for up to a three-year period. 42 U.S.C. §12574(b).

## **Presidential, Board, and Congressional Statements**

Board of Directors (Grants Management Task Force Report, May 2003)

Corporation should consider holding some money back each year so that, eventually, the Corporation makes a roughly equal number of new awards each year.

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### **List of sources for Presidential, Board, and Congressional Statements:**

- [Executive Order 13331](#) (February 27, 2004)
- CNCS Board of Directors Grants Management Task Force Report (May 2003)
- CNCS Board of Directors Resolution regarding rulemaking (September 23, 2003)
- [04 Consolidated Appropriations Act](#), and accompanying committee reports
- [HR 4854](#), Citizen Service Act of 2002